

AGENDA

BOARD OF MAYOR AND ALDERMEN

June 1, 2004

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Recognition of the Youth Leadership Group for the new Teen Arts Center.

CONSENT AGENDA

4. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways subject to the availability of funding

- A. Sidewalk Petitions – 50/50 Program FY2005
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Informational – to be Received and Filed

- B. Communication from the Public Works Director providing an update on the Waste Management, Inc. weekly spring yard waste cleanup which concluded on May 14, 2004.

- C. Communication from MTA submitted minutes of their April 27, 2004 meeting and reports for the month of April 2004.
- D. Communication from Public Service of New Hampshire advising of “Tioga Power Project” which will provide for upgrades and a new major sub-station to be built on PSNH property in east Bedford.
- E. Communication from the State Department of Environmental Services advising of the issuance of a State permit to operate PO-B-2000 one (1) boiler at 21 West Auburn Street.
- F. Communication from the State Department of Transportation advising of contemplated awards.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- G. Resolution:

“Amending the FY2003 and 2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Nine Thousand Two Hundred One Dollars and Sixty Three Cents (\$9,201.63) for the 2003 CIP 710803 Chronic Drain Program.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- H. Recommending that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

ought to pass.

I. Recommending that Ordinance:

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

ought to pass, subject to budgetary review by the Committee on Finance.

COMMITTEE ON COMMUNITY IMPROVEMENT

J. Recommending that balances of various 2003 CIP projects be transferred to the Chronic and Drain program, and for such purpose a resolution and budget authorization has been submitted totaling \$9,201.63 in cash projects.

COMMITTEE ON LANDS AND BUILDINGS

K. Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at South Mammoth Road, known as Map 0796, Lot 0014 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Joseph King, June Babib and Leza Child was acquired by the City of Manchester by virtue of Tax Collector’s deed dated November 21, 1994 and recorded in Hillsborough County Registry of Deeds on November 23, 1994, Volume 5593, Page 1645.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$225,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$164,400-\$246,600.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary.

(Note: Ordinance referral to Committee on Bills on Second Reading)

- L.** Recommending that the Board of Mayor and Aldermen find property located at 44 Trolley Court surplus to City needs and further that:

In accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated on Trolley Court known as Map 897, Lots 145 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Cardinal Builders, Inc., was acquired by the City of Manchester by virtue of Tax Collector's deed dated June 21, 1993 and recorded in Hillsborough County Registry of Deeds on June 22, 1993, in Volume 5445, Page 0442.

The Committee advises that it finds just cause to dispose of such land through sale to an abutter because it is relatively small and wetland/steep slope in nature and serves no practical public purpose.

The Committee recommends that said property be offered for sale to the abutters, Dennis and Albertine Morrisette of 34 Trolley Court, at a price of \$10,700 with the stipulation that the lot cannot be built upon. Such price of \$10,700 has been deemed a reasonable value by the Board of Assessors.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. To accommodate such disposition, an ordinance has been submitted for referral to the Committee on Bills on Second Reading.

- M.** Recommending that the City convey to the state portions of City owned land at the West High School Athletic field identified as Parcel 44A and 45. The Committee notes that the intention of such conveyance is that such parcels will become part of the new Allard Drive right of way, to ultimately become a City Street. The Committee notes that as part of the project, the state will convey to the City, at a later date, other abutting land that will be reconstructed to replace the parking area displaced by the road construction.

The Committee further recommends that the Mayor be authorized, subject to the review and approval of the City Solicitor, to execute any and all related documents inclusive of a deed to the State of New Hampshire, and an easement for construction activities in the existing parking area to accommodate the replacement of disturbed parking area.

LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.

5. Nominations to be presented by Mayor Baines, if available.
6. Confirmation of the nomination of Karen Roberge to succeed Robert S. Stephen as a member of the Planning Board, term to expire May 1, 2006.
A motion is in order to confirm the nomination as presented.
7. Mayor Baines advises that a motion is in order to recess the meeting to allow the Committee on Finance to meet.
8. Mayor Baines calls the meeting back to order.

OTHER BUSINESS

9. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?
10. Report of Committee on Lands and Buildings recommending that the Board of Mayor and Aldermen find property located at 132 Titus Avenue, so-called the former Highland School and known as Tax Map 554, Lot 16A & 17A surplus to City needs. Said property was acquired by the City by virtue of deed(s)s, or portions thereof noted as follows:
Addison G. Gray deeded October 31, 1901 and recorded in Hillsborough County Registry of Deeds, Vol. 604, Page 393, November 13, 1901.
With release of right of dower Augusta J. Gray.
Bradley B. Aldrich deeded March 24, 1902 and recorded in Hillsborough County Registry of Deeds, Vol. 609, Page 209, March 25, 1902
With release of right of dower Maria C. Aldrich.

Henry B. Stearns deeded December 9, 1929 and recorded in Hillsborough County Registry of Deeds Vol. 894, Page 160, December 13, 1929.

Albert W. Lacroix deeded December 9, 1929 and recorded in Hillsborough County Registry of Deeds Vol. 893, Page 518, December 13, 1929.
With release of right of dower Annie M. Lacroix.

Julia Bober deeded November 18, 1946 and recorded in Hillsborough County Registry of Deeds Vol. 1122, Page 248, December 5, 1946.

Pauline Pierce Greer, Mary F. Greer, and Benjamin F. Greer deeded December 19, 1959 and recorded in Hillsborough County Registry of Deeds Vol. 1594, Page 273, January 11, 1960.

The Committee recommends that said property be disposed of through sale to Moore Center Services, Inc., subject to review and approval of the City Solicitor.

The Committee notes that it finds just cause to dispose of the property in such manner in that the subject property is presently leased to Moore Center Services, Inc. under a long-term lease which initiated in 1970 and will expire in January 2022, and under such arrangement is serving a public need.

The Board of Assessors has set an opinion of value in the range of \$1,000-\$1,200.

The report is forwarded to the full Board of Mayor and Aldermen with the need to establish a final sale price for such property.

Following establishment of price, a motion is in order to accept the report, and authorize the Mayor to execute any and all documents required to consummate the conveyance of the property subject to the review and approval of the City Solicitor.

11. Communication from the Deputy City Clerk requesting the Board direct the Chief of Police or his designee to issue civil forfeitures to each owner of an unlicensed dog via a warrant issued pursuant to RSA 466:14.

Ladies and Gentlemen, what is your pleasure?

12. Communication from Deputy City Clerk submitting a proposed change to so-called Alarm Ordinance:

If the Board so desires, a motion is in order to suspend the rules and place this Ordinance on its final reading by title only at this time, without referral to the Committees on Bills on Second Reading or Accounts, Revenue and Enrollment.

Following suspension of the rules

Ordinance: (**A motion is in order to read by title only.**)

“Amending Chapter 93:Alarms of the Code of Ordinances of the City of Manchester by amending 93.03, Permit Required; Application; Fee, increasing the initial registration and annual renewal fees for intrusion alarms operating in the City of Manchester.”

This Ordinance having had its final presentation, the question is on passing same to be Ordained.

13. Appropriating Resolution: (**A motion is in order to read by title only.**)

“Amending a Resolution ‘Approving the Community Improvement Program for 2005, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said program.’”

(Note: **attached in further amended form with expedited projects removed**)

a) **A motion is in order to amend the resolution by deleting projects previously expedited as follows:**

By reducing Table 4, Bonds, #710205 Highway Department, Public Works Infrastructure by \$720,000 for projects:

Street reconstruction -\$145,000

Brown Avenue -\$175,000

Discretionary sidewalks -\$350,000

50/50 Sidewalk -\$50,000

for a new bond total of \$14,880,000; and

By reducing Table 1, Federal, State and Other, #710205 Public Works Infrastructure by \$50,000 for 50/50 Sidewalk (Other funds); and

By replacing related language on page 2, paragraph 3, of the resolution to reflect \$16,255,812 in federal, state and private grant funds; and language on page 3, paragraph 1 to reflect \$14,880,000 in short term notes and bonds.

If there are no further amendments, a motion is in order that the Appropriating Resolution pass and be Enrolled as amended.

14. Appropriating Resolution: (A motion is in order to read by titles only.)

“A Resolution appropriating to the Manchester Airport Authority the sum of \$44,898,329 from Special Airport Revenue Funds for Fiscal Year 2005.”

Resolution requires amending, numbers to be provided at meeting.

Following amendment, a motion is in order that the Appropriating Resolution pass and be Enrolled as amended.

15. Appropriating Resolution: (A motion is in order to read by titles only.)

“A Resolution appropriating the sum of \$2,890,903 from Recreation User Charges to the Recreation Division for Fiscal Year 2005.”

Following amendments if any, a motion is in order that the Appropriating Resolution pass and be Enrolled as amended.

16. Appropriating Resolution: (A motion is in order to read by titles only.)

“A Resolution appropriating the sum of \$14,584,987 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2005.”

Following amendments if any, a motion is in order that the Appropriating Resolution pass and be Enrolled.

17. Appropriating Resolution: (A motion is in order to read by titles only.)

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,061,785 for the Fiscal Year 2005.”

If the Board so desires, a motion is in order to amend the resolution.

Following amendment if any, a motion is in order that the Appropriating Resolution pass and be Enrolled.

18. Appropriating Resolutions: (A motion is in order to read by titles only.)

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2005 and held in the Civic Center Fund, for the payment of the City’s Obligations in Said Fiscal Year Under the Financing Agreement.”

“A Resolution appropriating to the Central Business Service District the sum of \$225,000 from Central Business Service District Funds for Fiscal Year 2005.”

A motion is in order that the Appropriating Resolutions pass and be enrolled.

19. Resolution: (A motion is in order to read by title only.)

“Amending the FY2003 and 2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Nine Thousand Two Hundred One Dollars and Sixty Three Cents (\$9,201.63) for the 2003 CIP 710803 Chronic Drain Program.”

A motion is in order that the Resolution pass and be enrolled.

20. Resolutions: (A motion is in order to read by titles only.)

“Continuation of the Central Business Service District.”

“A Resolution establishing increased property tax relief asset and income limitations for the elderly.”

“A Resolution authorizing increased optional property tax credits for Veterans providing for escalating credits over a three year period.”

“A Resolution authorizing increased property tax credits for Veterans with service-connected total disability, and their surviving spouse.”

A motion is in order that the Resolutions pass and be adopted.

21. Ordinances: (A motion is in order to read by titles only.)

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

These Ordinances having had their second readings by titles only, the question is on passing same to be Enrolled.

22. Mayor Baines advises that a motion is in order to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration.

23. Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.

Ladies and Gentlemen, what is your pleasure?

24. Bond Resolution: (A motion is in order to read by title only.)

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Twenty Thousand Dollars (\$720,000) for the 2004 CIP 713204 Public Works ROW Improvement Project.”

A motion is in order that the Bond Resolution pass and be enrolled.

25. Ordinances: (A motion is in order to read by titles only.)

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

These Ordinances having had their third and final readings by titles only, the question is on passing same to be Ordained.

TABLED ITEM

A motion is in order to remove the following item from the table for discussion.

- 26.** A report of the Committee on Administration/Information Systems recommending that Ordinance:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

be referred to the Committee on Bills on Second Reading for technical review and further that Ordinance:

“Amending the Zoning Ordinances of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone.”

be referred to the Committee on Bills on Second Reading and to Public Hearing on Monday, June 7, 2004 at 6:00 PM in the Aldermanic Chambers of City Hall.

(Tabled 05/18/2004)

27. NEW BUSINESS

- a) Communications
- b) Aldermen

28. Mayor Baines advises that a motion is in order to recess the meeting for a negotiation strategy session.

29. Mayor Baines calls the meeting back to order.

30. Actions, if any, relating to negotiation strategy.

31. Discussion of non-affiliated package, if available.

32. If there is no further business, a motion is in order to adjourn.